

SENATE BILL 1654

By Stevens

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 26, relative to the writ of error coram
nobis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-26-105(b), is amended by designating the existing language as subdivision (1) and adding the following new subdivision:

(2) The relief obtainable by this proceeding will also lie after a plea of guilty or nolo contendere for subsequently or newly discovered evidence upon a showing by the defendant that:

(A) The defendant was without fault in failing to discover the evidence before the plea; and

(B) There is a reasonable probability the defendant would not have entered the plea had the evidence been available or known to the defendant.

SECTION 2. This act shall take effect on July 1, 2018, the public welfare requiring it, and apply to any writ of error coram nobis filed on or after that date.